

REMARKS

Claims 27 and 53-79 are pending in the present application.

Claims 1-26 and 28-52 are cancelled.

Claims 53-79 are newly entered.

New claim 53 is based on previous claims 1 and 4 further including the feature "*or from the group consisting of the metallic molten fibres*" to bring the claim into conformance with previous claim 5.

New claims 54 and 55 are based on previous claims 2 and 3, respectively.

New claims 56-77 are based on previous claims 5-26 respectively.

Claims 78 and 79 depend from claim 53 and recite limitations which were previously improperly included in original claim 1.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

Claim Rejections under 35 U.S.C. 102

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 7,144,622 to Stecher et al. as the English translation for WO/2001/16240.

Stecher does not disclose a flat sealing material producible by pressing at least one or more fibre webs under pressure and elevated temperatures, wherein the average fibre length distribution of the fibres is in the range of from 0.1 mm to 30 mm. Instead, *Stecher* discloses a coating, wherein fibres or whiskers are aligned essentially parallel to the first and second surface of the coating by using magnetic fields (see column 2, lines 50 - 54 of *Stecher*). However this is only possible when using very short fibres, i. e. much shorter than 0.1 mm. Therefore, the subject matter of the above mentioned patent application is novel over *Stecher*.

Claim Rejections under 35 U.S.C. 103

Claims 1-3 were rejected under 35 U.S.C. 103(a) as being rejected unpatentable over U.S. Pat. No. 7,309,520 to *Kosack* as the English translation of WO/2002/101267.

Kosack does not disclose thermoplastic fibres according to the claimed invention. Aramide fibres as mentioned in column 2 of *Kosack* are indeed polyamides as mentioned in claim 1, but they are no thermoplastic polyamides. Instead of melting when heated to high temperatures, aramide decomposes at 400°C. All further materials mentioned in column 2 of *Kosack* are not listed

in feature the instant claims. Please note that polyimide (PI) of *Kosack* is not identical to polyetherimide (PEI). Therefore, the instant claims are not obvious in view of *Kosack*.

Claims 1-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,748,075 to Beyer et al.

Claims 1-3 are cancelled thereby rendering the rejection moot.

Beyer does also not disclose any thermoplastic fibres according to the instant claims. Just as *Kosack* also Beyer only discloses aramide fibres. In addition, the binder according to Beyer is NBR latex (see examples). This is a thermally very unstable binder, resulting in a product that is not thermally stable under application conditions up to 330°C according to the instant claims. Therefore, the instant subject matter is not obvious in view of Beyer.

Double Patenting

Claims 1-3 were provisionally rejected under the judicially created obviousness-type double patenting as being unpatentable over claims 39, 45-46, 49 and 53 of copending Application No. 10/554,456.

A terminal disclaimer is submitted herewith thereby rendering all rejections based on copending Application No. 10/554,456 moot.

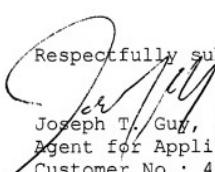
CONCLUSIONS

Claims 27 and 53-79 are pending in the present application.

All claims are believed to be in condition for allowance.

Notice thereof is respectfully requested.

Respectfully submitted,


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